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**From:** Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Sent:** 8/6/2019 8:33:49 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]  
**CC:** Siegal, Tod [Siegal.Tod@epa.gov]  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption  
**Attachments:** Draft response to FL on ESA white paper.cw.docx

Minor suggestions. Feel free to move to Steve as soon as you get everyone else's input.  
Thanks, Simma.  
Carrie

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Tuesday, August 06, 2019 4:11 PM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Carrie and Alexis,

(And Tod if interested),

Here is a draft response for your review, as well as the latest five way MOA that Alexis wisely circulated before she left. Once I receive your edits, I will incorporate quickly and send to Steve for his review, in order to send to David by COB tomorrow.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Sent:** Tuesday, August 6, 2019 12:36 AM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Marshall, Tom <marshall.tom@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

## Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I think this letter could be short—maybe a page. Could you get me a draft of this by COB Wednesday? Thanks!

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Sent:** Wednesday, July 24, 2019 12:44 PM

**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Frazer, Brian <[Frazer.Brian@epa.gov](mailto:Frazer.Brian@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Cc:** Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Santell, Stephanie <[Santell.Stephanie@epa.gov](mailto:Santell.Stephanie@epa.gov)>; Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>

**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Hello everyone – Attached is the briefing paper that we will walk through at the 4:00 meeting.

Thanks,  
Alexis

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

-----Original Appointment-----

**From:** Leopold, Matt (OGC)

**Sent:** Thursday, July 18, 2019 1:27 PM

**To:** Leopold, Matt (OGC); Fotouhi, David; Ross, David P; Neugeboren, Steven; Wehling, Carrie; Kupchan, Simma; Wade, Alexis; Goodin, John; Eisenberg, Mindy; Frazer, Brian; McDavit, Michael W.; Hurlid, Kathy

**Cc:** Marshall, Tom; Siegal, Tod; Forsgren, Lee; Santell, Stephanie

**Subject:** Response to FL DEP White Paper on ESA Consultation for 404 Assumption

**When:** Wednesday, July 24, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomARN4045/DC-Ariel-Rios-OGC

# Ex. 5 AC/DP